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February 12, 2009

Ms. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

VIA ELECTRONIC FILING

Re: STB Finance Docket No 35141  
U S Rail Corporation – Construction and Operation Exemption –  
Brookhaven Rail Terminal

Dear Ms. Quinlan,

Petitioner U S Rail Corporation (“U S Rail”) and the Town of Brookhaven, who are continuing to be actively engaged in framing an agreement in principle to resolve the Town’s objections to U S Rail’s petition, hereby jointly submit this request to extend time for filing their respective replies to the following pleadings:

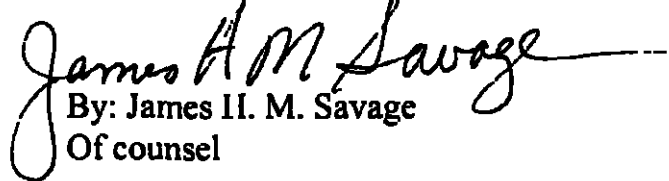
U S Rail requests an additional 30 day extension of time to reply to the Town of Brookhaven’s pending motion to compel discovery from February 17, 2009 to **March 17, 2009**.

The Town of Brookhaven requests an additional 30 day extension of time to reply to U S Rail’s supplemental petition from March 2, 2009 to **April 1, 2009**.

Each party consents to the other’s request

We thank the Board for its time and consideration.

Respectfully submitted,  
John D. Heffner, PLLC

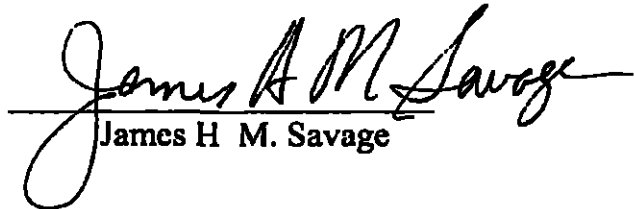
  
By: James H. M. Savage  
Of counsel

JHS/mhd

cc: Jessica Driscoll, Esq.  
Robert A Ryback

#### CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I have served this day by electronic mail a true copy of the within pleading upon counsel for the Town of Brookhaven and by first class mail upon the New York State Department of Transportation.

  
James H M. Savage

Dated: February 12, 2009